

# **Exhibit H**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

VIAMEDIA, INC., ) No. 16 C 5486  
)  
Plaintiff, )  
)  
vs. ) Chicago, Illinois  
)  
COMCAST CORPORATION and COMCAST )  
CABLE COMMUNICATIONS MANAGEMENT, )  
LLC, )  
) December 9, 2025  
Defendants. ) 10:35 a.m.

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HON. LAURA K. McNALLY, MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: KELLOGG, HANSEN, TODD,  
FIGEL & FREDERICK, PLLC  
BY: MR. JAMES M. WEBSTER III  
MR. MICHAEL J. WILKINS  
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Washington, D.C. 20036

For the Defendants: DAVIS, POLK & WARDWELL LLP  
BY: MR. ARTHUR J. BURKE  
MR. CHRISTOPHER P. LYNCH  
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New York, New York 10017

JENNER & BLOCK LLP  
BY: MR. MICHAEL T. BRODY  
MR. ROSS B. BRICKER  
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PATRICK J. MULLEN  
Retired Official Court Reporter  
United States District Court  
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\* \* \* \* \*

TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION

1 (Proceedings via video teleconference on the record.)

2 THE CLERK: 2016 CV 5486, Viamedia, Inc., versus  
3 Comcast Corporation, et al., here for status.

4 THE COURT: Good morning. Can I get appearances,  
5 starting with the plaintiff, please?

6 MR. WEBSTER: Good morning. Jim Webster from Kellogg  
7 Hansen for plaintiff Viamedia.

8 MR. WILKINS: Good morning. Matthew Wilkins also of  
9 Kellogg Hansen and also for plaintiff Viamedia.

10 MR. BURKE: This is Arthur Burke. I'm joined by my  
11 colleague Chris Lynch from Davis Polk for the defendant  
12 Comcast.

13 Mike, I don't know if you want to --

14 MR. BRODY: Good morning, Your Honor. Michael Brody  
15 and Ross Bricker of Jenner & Block for Comcast as well.

16 THE COURT: All right. Hello, everyone.

17 Oh, are there more people? Go ahead.

18 (No response.)

19 THE COURT: No? I guess not.

20 Okay. Welcome. Well, I guess maybe I should be the  
21 one welcomed to this long case. I have not heard 16 CV said  
22 yet, so here we are. I'm looking at the joint status report  
23 filed yesterday as well as the one that was filed earlier this  
24 month talking about the proposed schedules, dueling schedules.

25 Let me back up a step or two. I saw the referral was

1 for discovery supervision, and can you just confirm it for me?  
2 Aren't we done with discovery?

3 MR. BURKE: We are, Your Honor.

4 THE COURT: Okay. All right.

5 MR. BURKE: I guess I would say it's not clear to me  
6 that we are, Your Honor. The plaintiffs did amend their 26(f)  
7 disclosures in this case to add an additional witness. I think  
8 that may be an issue that we bring to your attention. But if  
9 that witness is permitted to be added, then we would expect to  
10 be taking the deposition of that witness.

11 The plaintiffs have also indicated to the judge, Judge  
12 Coleman, that they may be serving up a new damages report.  
13 Assuming obviously a higher damages estimate, we're certainly  
14 assuming that. So I guess that would likely entail additional  
15 discovery as well. We don't know really what that's going to  
16 say, so it's hard to know exactly what the consequences will  
17 be. But it's likely that there will be at least motion  
18 practice before Your Honor as to the propriety of that and then  
19 perhaps also additional depositions.

20 THE COURT: Okay. Let's --

21 MR. WEBSTER: Your Honor?

22 THE COURT: Yes, go ahead. Go ahead, Mr. Webster.

23 MR. WEBSTER: Just for the record, we agree with that.  
24 We offered up the new witness for a deposition. Our damages,  
25 our damages calculation was last performed for 2021, so we had

1 four years of damages that have not been calculated. So we do  
2 intend to update our damages and would be, you know, into a  
3 deposition of our expert once those damages are updated.

4 THE COURT: Okay. Is there -- first of all, can I ask  
5 every person who's not on the screen to mute your phone? Then  
6 if you're not talking, if you could keep your phone or video  
7 muted as well, I'd appreciate it. We are getting -- are people  
8 getting like a blast of sound?

9 MR. WEBSTER: Yes.

10 THE COURT: Yes, okay. All right. Let's see.  
11 Hopefully that will help with that.

12 So the additional witness, the additional, tell me  
13 about that person.

14 MR. WEBSTER: His name is Ken Little. He worked for  
15 over 20 years at NCC, which became Ampersand, which is in the  
16 cable advertising business. He joined Viamedia's board late  
17 last year, and at that time we learned that he had highly  
18 relevant information about Comcast's intent to monopolize the  
19 ad rep market to put Viamedia out of business.

20 THE COURT: And this is your -- so you're planning to  
21 bring a new witness helpful to your case?

22 MR. WEBSTER: Yes.

23 THE COURT: And this person, I'm having -- when did  
24 fact discovery close? '22, right?

25 MR. WEBSTER: Yes. It was closed originally when we

1 had the first summary judgment motion, and then it reopened  
2 after our appeal to the Seventh Circuit was successful. Then  
3 there was some fact discovery after that in 2020 and I believe  
4 in 2021, although Art can correct me on that if I'm wrong.

5 THE COURT: All right. So --

6 MR. BURKE: I think that's right, Mr. Webster.

7 THE COURT: Thank you.

8 I have no problem with anybody adding additional  
9 parties, doing additional discovery outside. This is voluntary  
10 by agreement. Godspeed. But if there is an objection,  
11 discovery is closed, and there will need to be a motion with  
12 good cause, good cause being unforeseeable and not just: We  
13 found somebody else.

14 If someone is planning to have such a motion, here's  
15 what we're going to do. We're going to get this case and it's  
16 going to get tried. Then we're going to move on with our  
17 lives, and we're going to leave behind this pet nobody wanted  
18 to adopt. So if there's going to be a motion for new  
19 witnesses, that motion, I'm going to set a deadline here.

20 The parties have conferred, so you'll have your  
21 conferral obligations satisfied. That motion will be due --  
22 and because of the holidays, I'll be a little softer here --  
23 January 9th, the response brief January 15th, and we'll set it  
24 for hearing on January 20th at 11:00 o'clock. Maybe we won't  
25 need to do it, but let's just put all those dates in this

1 calendar.

2 Okay. Is there, is there an expected objection as to  
3 updating the damages testimony, the experts on the damages?

4 MR. BURKE: Almost certainly, Your Honor. I mean, we  
5 haven't seen exactly what they're doing. Mr. Webster has  
6 hinted at it. We're kind of speculating as to what it would  
7 be, but I would say almost certainly we will object to that.

8 THE COURT: Okay. So if there is a motion to reopen  
9 experts, that will have the same calendar from January 9th.  
10 I'm going to move everything now because experts might make it  
11 a little more complicated. So the motion for both new fact  
12 witnesses and new expert testimony, January 9th it's still due,  
13 response the 23rd. Then the hearing, let's do the hearing the  
14 27th at 11:00 o'clock.

15 MR. BURKE: So that would be the same schedule for  
16 both motions, Your Honor?

17 THE COURT: Yes, yes, the same schedule for both  
18 motions. Between now and then, if the parties realize that,  
19 you know, now that they think about it they found something  
20 else they want to do, let's just throw it all in. You've got  
21 to confer. The motion needs to include the -- for both needs  
22 to have that conferral certification. But anybody who wants to  
23 reopen any old wounds, they're going to be January 9th, January  
24 23rd, January 27th.

25 Okay. Between then -- well, there are no more